

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 23-21253-CV-WILLIAMS

ENRIQUE PENA RODRIGUEZ,

Petitioner,

v.

RICKY D. DIXON, SECRETARY,
FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

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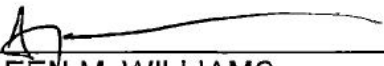
ORDER

THIS MATTER is before the Court on Magistrate Judge Lisette M. Reid's Report and Recommendation (DE 15) ("**Report**") on Petitioner's Petition to Vacate Judgment and Sentence Pursuant to 28 U.S.C. § 2254 (DE 1) ("**Petition**"). In the Report, Magistrate Judge Reid recommends the Court deny Petitioner's Petition. (DE 15 at 1.) Specifically, the Report finds that the state court's adjudication on Petitioner's four claims of ineffective assistance of counsel did not rise to be a decision contrary to or an unreasonable application of clearly established federal law or an unreasonable determination of the facts. (*Id.* at 6–23.) Additionally, the Report recommends that the Court shall not issue a certificate of appealability. (*Id.* at 23.) Petitioner filed Objections to the Report (DE 18), to which Respondent did not file a response. The Court conducted a *de novo* review of the portions of the Report to which Petitioner objected and a review of the remainder of the Report for clear error.

Having carefully reviewed the Report, the objections, the record, and applicable law it is **ORDERED AND ADJUDGED** as follows:

1. The Report (DE 15) is **AFFIRMED AND ADOPTED**;
2. The Petition (DE 1) is **DENIED**;
3. Judgment in favor of the Respondent will be entered by way of a separate Order;
4. No certificate of appealability shall issue.

DONE AND ORDERED in Chambers in Miami, Florida, on this 26th day of March, 2025.



KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE